

16905 U.S. PTO  
06/20/03

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Attorney Docket **P1775R1D1**  
PATENT

EV 351 923 988 US: Express Mail Number

June 20, 2003: Date of Deposit

Wendy M. Lee  
Wendy M. Lee

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mail Stop PATENT APPLICATION  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

16235 U.S. PTO  
10/600152  
06/20/03

**NON-PROVISIONAL APPLICATION TRANSMITTAL UNDER 37 CFR 1.53(b)**

Transmitted herewith for filing is a non-provisional patent application:

Inventor(s) (or Application "Identifier"):

**Sharon A. Baughman, Ventura, California**  
**Steven Shak, Burlingame, California**

Title: **Dosages for Treatment with Anti-ErbB2 Antibodies**

**1. Type of Application**

- ☐ This application is for an original, non-provisional application.
- ☐ This is a non-provisional application claiming priority to provisional application no. \_\_, filed \_\_, the entire disclosure of which is hereby incorporated by reference.
- ☒ This is a ☐ continuation-in-part ☐ continuation ☒ divisional application claiming priority to application Serial Number 09/648,067, filed August 25, 2000, which claims priority to provisional application nos. 60/151,018, filed August 27, 1999, and 60/213,822, filed June 23, 2000 the entire disclosures of which are hereby incorporated by reference.

**2. Papers Enclosed Which Are Required For Filing Date Under 37 CFR 1.53(b) (Non-provisional)**

46 pages of specification  
9 pages of claims  
1 page(s) of abstract  
5 sheet(s) of drawings  
☒ formal ☐ informal

**3. Declaration or Oath**

*(for new and CIP applications; also for Cont./Div. where inventor(s) are being added)*

\_\_\_ An executed declaration of the inventor(s) ☐ is enclosed ☐ will follow.

*(for Cont./Div. where inventorship is the same or inventor(s) being deleted)*

X A copy of the executed declaration/oath filed in the prior application is enclosed (37 CFR 1.63(d)).

*(for Cont./Div. where inventor(s) being deleted)*

\_\_\_ A signed statement is attached deleting inventor(s) named in the prior application (see 37 CFR 1.63(d)(2) and 1.33(b)).

#### 4. Assignment

*(for new and CIP applications)*

\_\_\_ An Assignment of the invention to GENENTECH, INC. ☐ is enclosed with attached Recordation Form Cover Sheet ☐ will follow.

*(for cont./div.)*

X The prior application is assigned of record to Genentech, Inc.

#### 5. Amendments (for continuation and divisional applications)

\_\_\_ Cancel in this application original claims \_\_\_ of the prior application before calculating the filing fee. (At least one original independent claim must be retained for filing purposes.)

\_\_\_ A preliminary amendment is enclosed. (Claims added by this amendment have been properly numbered consecutively beginning with the number next following the highest numbered original claim in the prior application.)

**6. Fee Calculation (37 CFR 1.16)**

The fee has been calculated as follows:

| CLAIMS FOR FEE CALCULATION |                                     |              |    |            |                             |
|----------------------------|-------------------------------------|--------------|----|------------|-----------------------------|
| Number Filed               |                                     | Number Extra |    | Rate       | Basic Fee<br>37 CFR 1.16(a) |
|                            |                                     |              |    |            | \$750.00                    |
| Total Claims               | 105                                 | - 20 =       | 85 | X \$18.00  | \$1,530.00                  |
| Independent Claims         | 5                                   | - 3 =        | 2  | X \$84.00  | \$168.00                    |
| <u>X</u>                   | Multiple dependent claim(s), if any |              |    | + \$280.00 | \$280.00                    |
| Filing Fee Calculation     |                                     |              |    |            | \$2,728.00                  |

**7. Method of Payment of Fees**

The Commissioner is hereby authorized to charge Deposit Account No. 07-0630 in the amount of \$2,728.00. **A duplicate copy of this transmittal is enclosed.**

**8. Authorization to Charge Additional Fees**

The Commissioner is hereby authorized to charge any additional fees required under 37 CFR §1.16 and 1.17, or credit overpayment to Deposit Account No. 07-0630. **A duplicate copy of this transmittal is enclosed.**

**9. Additional Papers Enclosed**

☒ Information Disclosure Statement (37 CFR §1.98) w/ PTO-1449

☒ Letter and Request to Use Computer-readable Sequence Listing and paper copy of Sequence Listing

☐ A new Power of Attorney or authorization of agent.

☐ Other:

**10. Maintenance of Copendency of Prior Application (for continuation and divisional applications)**

*[This item **must** be completed and the necessary papers filed in the prior application if the period set in the prior application has run]*

\_\_\_\_\_ A petition, fee and/or response has been filed to extend the term in the pending prior application until

\_\_\_\_\_ A copy of the petition for extension of time in the **prior** application is attached.

**11. Correspondence Address:**

X Address all future communications to:

Attn: Wendy M. Lee

Respectfully submitted,  
GENENTECH, INC.

Date: June 20, 2003

By: 

Wendy M. Lee

Reg. No. 40,378

Telephone No. (650) 225-1994



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PATENT TRADEMARK OFFICE